
R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

THE CLAIMS

Claim 19 has been amended to change "sample" to "specimen" in the last line thereof in order to correct the informality pointed out by the Examiner.

No new matter has been added, and it is respectfully requested that the amendment to claim 19 be approved and entered and that the objection to the claims be withdrawn.

It is respectfully submitted, moreover, that the amendment to claim 19 is clearly not related to patentability, and does not narrow the scope of the claim 19 either literally or under the doctrine of equivalents.

THE PRIOR ART REJECTION

Claims 16-21 were again rejected under 35 USC 103 as being obvious in view of the combination of US 2003/0063376 ("Shimizu et al") and US 2003/0086145 ("DeSimone et al").

More specifically, the Examiner has cited again Shimizu et al as disclosing all of the structure of independent claims 16 and 19 except for a shutter, and the Examiner has again cited DeSimone et al for the disclosure of a shutter as recited in

independent claims 16 and 19. The Examiner also asserts that DeSimone et al discloses providing a shutter at the positions recited in dependent claims 17, 18, 20 and 21.

As a reason to combine the shutter of DeSimone et al with Shimizu et al, the Examiner asserts that modifying Shimizu et al to provide a shutter between a light source and the digital micromirror device or between the digital micromirror device and the field stop projection lens (as the Examiner contends is disclosed by DeSimone et al) would be obvious "for the purpose of blocking the incident light to the digital micromirror device while the computer determines which micromirrors to activate, thus allowing the light source to remain on constantly and prolong the life of the light source." Thereby, according to the Examiner, "the Shimizu et al. reference would not [sic] longer need to turn the light source on and off during the adjustment and calculation phase and would therefore prolong the life of the light source."

It is respectfully pointed out, however, that Shimizu et al does not disclose turning the light source on and off "during the adjustment and calculation phase," and it is respectfully pointed out that Shimizu et al does not disclose turning the light source off "while the computer determines which micromirrors to activate."

Instead, it is the present application that discloses the desirability of providing a shutter and closing the shutter while desired ones of the micromirrors are turned on before illuminating the specimen with the turned-on micromirrors.

Thus, it is respectfully submitted that the Examiner's stated reason for combining DeSimone et al and Shimizu et al is based on features that the Examiner has attributed to Shimizu et al, but which are not in fact disclosed by Shimizu et al.

Accordingly, it is respectfully submitted that it would not have been obvious to one of ordinary skill in the art to combine Shimizu et al DeSimone et al in the manner suggested by the Examiner to achieve the structure of the present invention as recited in independent claims 16 and 19.

It is again respectfully pointed out, moreover, that DeSimone et al merely discloses a manual shutter, and that neither Shimizu et al nor DeSimone et al discloses, teaches or suggests operating a shutter in accordance with the operation of the digital micromirror device in the manner of the claimed present invention.

In addition, although the Examiner asserts that element 88 of DeSimone et al is a shutter located between a digital micromirror device and a field stop projection lens (as recited independent claims 18 and 21), shutter assembly 88 of DeSimone is in fact located between secondary light source mount 86 and beam splitter 92. See Figs. 3 and 6 of DeSimone et al. According to DeSimone

et al, the light from the secondary light source is irradiated to the sample in addition to the mask pattern generated by the DMD 48. See paragraph [0049] of DeSimone et al. Accordingly, it is respectfully submitted that DeSimone et al does not disclose a shutter located between a digital micromirror device and a field stop projection lens as suggested by the Examiner.

In view of the foregoing, it is respectfully submitted that the present invention as recited in independent claims 16 and 19 as well as claims 17-18 and 20-21 depending respectively therefrom, clearly patentably distinguishes over Shimizu et al and DeSimone et al under 35 USC 103.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

/Douglas Holtz/

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